

SECTION III

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PLEASE NOTE: Policy signatures are on file in the Human Resource Office

1. AFFIRMATIVE ACTION POLICY/EEO STATEMENT

The Department of Agriculture & Forestry and all offices under its jurisdiction reaffirms its policy for Equal Employment Opportunity (EEO) by hereby stating that no person shall, on the basis of race, color, religion, sex, age, national origin, handicap, veteran status or any other non-merit factor, be discriminated against in any employment practice. The agency is committed to this policy because it is our belief that it is morally right, it is good personnel management and it is legally required by Title VII of the Civil Rights Act of 1964, as amended; by the Equal Employment Opportunity Act of 1972; by Executive Order 11246; by Governor Edwin Edwards' Executive Order 13; by the Rehabilitation Act of 1973, as amended; and by the Vietnam Era Veterans' Readjustment Assistance Act of 1974.

The Department will take affirmative action to ensure that the following will be implemented at all levels of administration:

1. Recruit, hire, place, train and promote in all job classifications without regard to non-merit factors, such as race, color, age, religion, sex, national origin, handicap or veteran status, except where this is a bonafide occupational qualification.
2. Identify and use existing talent and potential through upgrading and promotion of present employees. All promotions will be based only on valid equal employment promotional requirements.
3. Base decisions on employment so as to further the principles of equal employment opportunity.
4. Ensure that all personnel actions, such as compensation, benefits, transfers, layoffs, recall from layoff, education, tuition assistance, social and recreational programs be administered without regard to race, color, religion, sex, age, national origin, handicap, veteran status or any other non-merit factor.

Basic guidelines and methods of achieving the goal of equal employment opportunity will be set forth in documents for each office hereafter referred to as the Affirmative Action Plan.

All personnel in the Department with any responsibility for recruitment, appointment, placement, evaluation, training or any other aspect of personnel management are charged with the responsibility of seeing that this policy is successfully implemented by giving it full support through active cooperation and personal example. All such persons shall be evaluated on the basis of their equal employment efforts and results in addition to the usual standards of performance. Persons who fail to adhere to the Equal Employment Opportunity policy are subject to administrative disciplinary action. The Department will periodically analyze its personnel actions to ensure compliance with this policy.

2. MATERNITY LEAVE POLICY

The Maternity Leave Policy is included in the Family and Medical Leave Policy. Please see page III - in this Section.

3. DISCIPLINARY ACTIONS

AUTHORITY: Authority for disciplinary actions and separations is derived from Chapter 12 of the Civil Service Rules.

PURPOSE OF POLICY

In an attempt to reduce confusion about actions and behavior expected of Department employees, the following disciplinary policy has been developed. Some items are self-explanatory; in other cases, some examples of the employee's responsibility and/or the supervisor's responsibility have been given.

PROHIBITED ACTIONS/ACTIVITIES

The following list of offenses and deficiencies IS NOT ALL-INCLUSIVE, but it is intended to serve as a general guide. A disciplinary action can be imposed for any disruptive behavior, which is any activity which severely impairs the fulfillment of the Department's responsibilities; or which causes an unsafe, severely inefficient, harassing or threatening work environment; or which severely damages the Department's public image or credibility; or which involves disrespectful or threatening conduct to or about other agency personnel or the general public.

DISCIPLINARY ACTIONS

The following are disciplinary actions which may be taken, and they are listed in order of severity with the least severe action listed first:

1. Verbal counseling or warning (does not become part of official agency personnel file; appealable through agency grievance procedure).
2. Letter of counseling or warning (does not become part of official agency personnel file; appealable through agency grievance procedure).
3. Temporary, short-term pay reduction (formal action; appealable to State Civil Service Commission).
4. Suspension (formal action; appealable to State Civil Service Commission).
5. Permanent pay reduction (formal action; appealable to State Civil Service Commission).
6. Demotion (formal action; appealable to State Civil Service Commission).
7. Removal from position (formal action; appealable to State Civil Service Commission).

FACTORS TO BE CONSIDERED IN DETERMINING SEVERITY OF ACTION

1. Employee's work history.
2. Previous infractions (past three years).
3. Severity of infraction.
4. Extent of disruption or impairment to service.
5. Extent of damage to Department image or credibility.
6. Extent of damage to Department property or the property of others.

PROCEDURE FOR TAKING DISCIPLINARY ACTION

Except for the special circumstances outlined in #4 below, supervisors should follow these steps:

1. Depending upon severity of the offense, give verbal and/or written counseling or warning. These **MUST** be reviewed by the Personnel Director prior to issuance to the employee; however, no copy will be placed in the employee's personnel file.
2. If more severe action is warranted, or if verbal counseling or warnings fail to produce results, a recommendation for disciplinary action should be discussed with the Assistant Commissioner of Management and Finance, or with the Personnel Director.
3. The official, formal notice of disciplinary action will be reviewed and signed by the Assistant Commissioner of Management and Finance (appointing authority) after final approval of the Commissioner.
4. If circumstances are such that an employee is being dangerously disruptive; is creating a hazard to himself, other employees or the workplace; or is creating excessive disturbance in the workplace, then Managers, Directors, Assistant Directors and Assistant Commissioners have the authority to impose an **IMMEDIATE** suspension **WITHOUT PAY**. The supervisor who imposes the suspension **MUST** then immediately notify the Personnel Director or the Assistant Commissioner of Management and Finance to ensure required paperwork is completed in a timely manner.

LIST OF OFFENSES OR DEFICIENCIES

This list begins on the following page, and covers the following categories: Attendance and Leave; Job Performance; Personal Conduct; and Safety. Again, this list **IS NOT ALL-INCLUSIVE**, but is intended to serve as a general guide.

I. ATTENDANCE AND LEAVE

1. FALSIFICATION OF ATTENDANCE RECORDS

Employee's responsibility: Record only hours actually worked, and record all hours actually worked.

Supervisor's responsibility: Review time and attendance records; question discrepancies. Ensure that leave is properly indicated on form and that leave slips are attached. **DO NOT** sign a time and attendance report you feel is inaccurate.

2. UNEXCUSED OR UNAUTHORIZED LEAVE

See below and see Time and Attendance policy. Employee will be placed on unauthorized leave without pay; additional action may also be taken.

Employee's responsibility: Ensure that all leave (except sick leave when you are calling in from home) is requested in advance and obtain approved leave slips in advance whenever possible.

Supervisor's responsibility: Ensure that leave was actually unauthorized; the employee may have received approval from the next level supervisor. In rare cases, the employee may also have had an unexpected emergency, but was unable to contact supervisory personnel.

3. EXCESSIVE TARDINESS

Established pattern as described in attendance and leave policy.

4. EXCESSIVE ABSENTEEISM

Established pattern; see Attendance and Leave Policy.

II. JOB PERFORMANCE

1. INSUBORDINATION

Employee's responsibility: Employees MUST follow the direct orders and instructions of supervisors. Employees can be asked and will be expected to perform duties not specifically listed in their job descriptions but which are related to their positions. Also, employees can be asked to perform duties out of their normal job class on occasion and for periods which do not exceed 30 days. EXCEPTION: Employees will not be expected to obey orders which involve performance of potentially hazardous tasks if the employee has not been fully and properly trained for the performance of those tasks.

Supervisor's responsibility: Maintain accurate training records and ensure employees are properly trained for all tasks. If it is necessary for an employee to perform tasks not usually associated with his/her job title, and the assignment will last longer than 30 days, report this to the Personnel Office.

2. FALSIFICATION OF AGENCY RECORDS

This includes, but is not limited to, travel records, time and attendance records, training records, records pertaining to employee's job, and any work related reports or records.

3. FAILURE TO PERFORM ASSIGNED DUTIES DURING WORK TIME

4. LEAVING ASSIGNED WORK STATION WITHOUT AUTHORIZATION

Employee will be placed on unauthorized leave without pay; other action may also be taken.

5. NEGLIGENCE IN PERFORMANCE OF DUTIES

6. USE OF OR AUTHORIZING USE OF AGENCY VEHICLES OR PROPERTY FOR UNOFFICIAL USE
7. FAILURE TO SAFEGUARD CONFIDENTIAL OR IMPORTANT AGENCY MATERIAL

This includes, but is not limited to, unauthorized distribution of written or printed material of any description, revealing privileged information to unauthorized persons, etc.

8. UNSATISFACTORY WORK PERFORMANCE

III. PERSONAL CONDUCT

1. CONDUCT UNBECOMING A PUBLIC EMPLOYEE AS SPECIFIED IN THE CODE OF GOVERNMENTAL ETHICS
2. UNAUTHORIZED USE OF DEPARTMENTAL EQUIPMENT OR PROPERTY
3. DESTRUCTION OR ABUSE OF DEPARTMENTAL PROPERTY OR EQUIPMENT OR THE PROPERTY OR EQUIPMENT OF OTHERS
4. STEALING DEPARTMENTAL PROPERTY, PROPERTY OF ANOTHER EMPLOYEE OR THE PROPERTY OF OTHERS
5. MALICIOUS USE OF PROFANE LANGUAGE TO CO-WORKERS
6. DISORDERLY CONDUCT
7. POSSESSION, USE, DISBURSEMENT OF OR REPORTING FOR WORK UNDER THE INFLUENCE OF INTOXICANTS (Alcohol or drugs)
8. UNAUTHORIZED AND/OR THREATENING POSSESSION AND/OR USE OF WEAPONS
9. VIOLATION OF AGENCY POLICIES
10. VIOLATION OF DECENCY OR MORALITY ON THE JOB
11. UNAUTHORIZED SOLICITATION OR SALES ON PREMISES WHILE ON DUTY

IV. SAFETY

1. FAILURE TO OBSERVE PRECAUTIONS FOR PERSONAL SAFETY,
POSTED RULES AND/OR WRITTEN OR VERBAL SAFETY INSTRUCTIONS
2. INEFFICIENT OR UNSAFE WORK HABITS WHICH RESULT IN SEVERE
WASTE OF AGENCY MATERIALS, DAMAGE TO AGENCY PROPERTY OR
THE PROPERTY OF OTHERS
3. ENDANGERING THE SAFETY OR CAUSING INJURY TO OTHERS
THROUGH CARELESSNESS

4. ATTENDANCE / LEAVE , WORK HOURS & WORK SCHEDULES

Information concerning leave accrual rates, various types of leave and other information of a general nature are contained in this manual in Part I: GENERAL INFORMATION.

This policy is established for use within the Department of Agriculture and Forestry, and should be reviewed carefully. Employees will be counseled once a consistent "pattern" of excessive leave use has been developed. The patterns of leave use which will result in counseling or other actions are defined in the policy.

The Policy has six parts:

1. Work Hours and Work Schedules
2. Requesting use of Annual and Compensatory Leave
3. Tardiness
4. Use and Payment of Annual Leave Prior to Resignation or Retirement
5. Requesting use of Sick Leave
 - a. Normal requests for sick leave
 - b. Requests for sick leave while on Worker's Comp
6. Overtime and the Earning of Compensatory Leave for Exempt and Non-Exempt Positions

Please contact the Human Resource Office if there are any questions concerning this policy.

WORK HOURS AND WORK SCHEDULES

Assistant Commissioners are authorized to implement flexible work hours and work schedules at their discretion within the parameters of the LDAF policy regulating attendance, leave, work hours and work schedules. Flexible work hours, flexible work schedules and breaks are not rights, but privileges granted to employees provided by the Department. Known or unanticipated business necessities take precedence over an individual's flexible work schedule. Whenever necessary, the Assistant Commissioner may temporarily rescind the flexible work hours and/or flexible work schedules upon immediate notice if it is determined that such schedule(s) adversely affect or will adversely affect the efficient operation of the office. If circumstances allow, employees will be given advance notice if flexible work hours or schedules must be rescinded.

This policy is intended to ensure that each employee knows his/her responsibility in the area of attendance, leave, work schedules, and work hours. Further, to the extent possible, it is intended to allow employees as much control as possible over their workload while maintaining an efficient and effective operation. It is the further

intent to reduce the amount of leave required to be taken by employees by allowing employees to schedule appointments on the days/partial days when they are off.

Hours of Work and Work Schedules

Assistant Commissioners are authorized to implement the option of selecting flexible work hours and flexible work schedules for their employees from the following:

Flexible Work Hours

1. The workday shall begin and end at any half hour or hour interval between 6:30 a.m. and 5:30 p.m., Monday through Friday.
2. Lunch periods shall be scheduled within the times of 11:30 a.m. – 1:30 p.m.
3. Please note that if a schedule includes a four (4) hour work day, no lunch period and only one fifteen (15) minute break is allowed on the four (4) hour work day.
4. All functional areas shall be operational between 8:00 a.m. and 4:30 p.m.

Flexible Work Schedules

Assistant Commissioners are authorized to implement the option of employees working either a standard work schedule (8) hour workday, Monday through Friday, or a compressed work schedule. Compressed work schedules will include the following options only:

Four (4) ten (10) hour days in a one-week period, OR
Four (4) nine (9) hour days plus one (1) four (4) hour day in a one-week period.

Employees should be aware that if a compressed work schedule is chosen, holidays will be handled in the following manner: During any week in which a legal state holiday falls, either statutory or proclaimed, flexible schedules are suspended and all employees shall maintain a standard work schedule of five (5) eight hour days for that week only.

Employees should be aware that if and when the Assistant Commissioner approves the work hours and work schedule requested by the employee, those hours and/or that schedule will be in effect on the first day of the pay period following the approval of the request.

REQUESTING USE OF ANNUAL OR COMPENSATORY LEAVE

Per Civil Service Rules 11.7 and 11.29(c), use of annual leave or compensatory leave must be approved in advance by the employee's supervisor. Whenever possible, the employee should obtain a signed leave slip prior to using the leave.

Employees who fail to request and/or obtain approval in advance for annual leave or compensatory leave risk being placed on unauthorized leave without pay for all or part of the period of absence.

If an employee fails to report to work or fails to call in and request leave for three consecutive days, he/she will be placed on unauthorized leave without pay and will be subject to termination. Failure to report to work or call in for three consecutive days will be considered job abandonment.

An employee who finds he must be absent on annual leave or compensatory leave due to sudden personal circumstances must call in to their supervisor within 30 minutes after the time they would normally begin work. In cases such as these, supervisors may approve all or only part of the leave request, depending upon circumstances.

Supervisors at all times retain the right to disapprove all or part of a request for annual or compensatory leave, depending upon workload, leave requirements of other employees in the unit, etc.

TARDINESS

Employees are expected to be at their workstations at the time scheduled to begin their workday. Employees who find they will be late due to conditions beyond their control are expected to call in as soon as practical to report that they will be late. If approved by the supervisor, these will be excused incidents and the employee may either:

- a. Make up the time by working late on the SAME DAY as the tardiness occurred; or,
- b. Request annual leave or compensatory leave to cover the period of tardiness. Requests for annual or compensatory leave can be approved only in increments of 1/2 hour. The supervisor will note on the leave slip that this is an excused tardiness.

UNEXCUSED TARDINESS will occur when:

- a. The employee fails to call in and it was possible to call in;
- b. The supervisor is unable to approve the tardiness because no reasonable explanation is given; or
- c. It is the third such incident in a six-month period, as defined below.

Unexcused tardiness will be handled according to the provisions of Civil Service Rule 12.6(a) 2, which allows for the non-disciplinary removal of an employee for excessive unscheduled absences.

USE AND PAYMENT OF ANNUAL LEAVE UPON SEPARATION (Resignation or Retirement)

Per Civil Service Rule 11.10, payment of annual leave upon separation from state service (terminal leave payment) cannot exceed the value of 300 hours.

In its Opinion #10, the Louisiana Commission on Governmental Ethics stated that any scheme or conspiracy entered into with the intent to evade the legal 300 hour limitation on terminal leave payments is considered fraudulent and unethical. The Ethics Commission issued the following guidelines for approval of requests for use of leave prior to resignation or retirement:

- a. The requests can be approved if the employee's appointing authority has established written policy which permits, in an even-handed and non-discriminatory manner, the use of annual leave by employees prior to separation; and
- b. Such requests may be approved if the employee does not engage in prohibited employment during the period of time he/she is on leave (this would not apply to a previously approved after-hours job which the employee held prior to his/her decision to retire or resign).

In accordance with the Ethics Commission Opinion #10, the following guidelines have been established for use of annual leave prior to the effective date of an employee's separation from state service:

USE OF ANNUAL LEAVE PRIOR TO RESIGNATION

Depending upon workload, requests for annual leave may be granted up to a maximum of 80 hours (continuous or non-continuous) prior to the effective date of the resignation. An employee whose last day of leave falls on the date of separation and who wishes to be credited with leave earned while on leave must return to work for a minimum of one hour on the separation date.

Requests for leave in excess of 80 hours MAY be approved provided that the employee presents in writing his reasons for the request, and the supervisor has reviewed those reasons and deems them to be reasonable and the amount of time requested appropriate. These documents will be forwarded to the Human Resource Office to be placed in the employee's personnel file.

The documentation requirement has been established for the protection of the employee and of the Department. No documentation is required for requests of up to 80 hours since a two-week yearly vacation is a widely-held standard, and will not be denied to those employees who wish to take their vacation time, either continuously or intermittently, prior to the effective date of their resignation. An employee who needs more than 80 hours to take care of personal business, or a long-term employee who wishes to take a 3-week vacation, may be allowed to do so, but the approvals must be documented as stated above.

USE OF ANNUAL LEAVE PRIOR TO RETIREMENT

Depending upon workload, a maximum of 3 months annual or compensatory leave may be approved for an employee prior to his/her retirement date. An employee who wishes to receive credit for leave earned while on leave must return to work on the retirement date for at least one hour.

A more liberal usage of leave prior to retirement is being allowed than for resignation in order to avoid having an employee use that leave in one or two day a week increments beginning several years prior to retirement. It is in the best interest of the Department to have our senior employees on the job full-time for as long as possible; it is to our advantage to try to fill the vacancy by detail or restricted appointment during the 3-month leave period rather than to try to cover work assignments for one or two days a week for a year or more.

PROPER USE OF SICK LEAVE

Per Civil Service Rule 11.13, sick leave may be used by an employee for absences because of personal illness, or for medical, dental or optical consultation or treatment. Sick leave must NOT be used to take care of sick relatives or to take relatives to the doctor. Annual leave can be requested for these purposes.

Sick leave following the birth of a child is allowable according to the terms in the Maternity Leave Policy.

EXHAUSTION OF SICK LEAVE

Employees who have exhausted all usable accrued sick leave may request use of annual or compensatory leave when ill; in addition, the employee may request leave without pay. Supervisors are NOT required to approve requests for use of annual or compensatory leave in lieu of sick leave. All requests for use of annual or compensatory leave in lieu of sick must be approved, in writing, by an appointing authority.

When an employee has exhausted all sick leave (has less than 8 hours of usable accrued sick leave remaining), Civil Service rules allow for the removal of that employee under Rule 12.6(a). This is not a disciplinary removal.

PHYSICIAN'S CERTIFICATE REQUIRED

At any time a supervisor believes an employee appears to be using an excessive amount of sick leave (either continuously or intermittently) for what seems to be fairly minor problems in an otherwise healthy employee, the supervisor may require that the employee bring in a doctor's certificate for any use of sick leave. Failure to bring the certificate when the employee returns to work will result in the employee being placed on unauthorized leave without pay for that period of absence.

Employees who will be on extended sick leave may be required to furnish the supervisor with a doctor's statement concerning the nature of the illness or condition and the anticipated duration, or, if leave will be taken intermittently over a

long period of time, the amount of time which will be required each month away from work for consultation, treatment or recuperation.

RETURN TO WORK CERTIFICATE REQUIRED

When an employee has been on extended sick leave, the supervisor should obtain a physician's statement before allowing the employee to return to work. The statement should state that the employee is recovered to the extent he/she is able to perform all duties of the position. If there are any restrictions, they should be listed. In the event a statement is received which lists restrictions, the supervisor should contact the Human Resource Office before allowing the employee to return to work.

REQUESTING SICK LEAVE UNDER NORMAL CONDITIONS

Whenever possible (doctor's appointments, etc), the employee should request the sick leave in advance and obtain an approved leave slip.

When it is not possible to request the leave in advance, the employee must call in to the supervisor no later than 30 minutes following normal reporting time. If the employee is incapacitated to the extent he/she is unable to make a phone call, the call can be made by another individual to the employee's supervisor.

REQUESTING SICK LEAVE WHILE ON WORKER'S COMPENSATION

Employees who have a work-related injury which causes an absence of less than one week, or which only requires occasional absence for visits to a doctor's office, must submit their sick leave requests as indicated above (requesting sick leave under normal conditions).

Employees who have a work-related injury which causes an absence of one full week or more must request sick leave as indicated below.

Employees on extended sick leave due to a work-related injury must submit a properly completed and signed leave request form to their office in BATON ROUGE. The leave slip must be received by the Baton Rouge office no later than the day the timesheets are completed and submitted to payroll. Employees can get this information from their office in Baton Rouge - usually this will be the same day activity reports or timesheets are normally due in to the Baton Rouge office. A request for sick leave to cover a pay period which is made after this date will not be approved.

For the sake of convenience, employees who know they will be on leave for an extended period may submit at one time leave slips covering several pay periods.

Employees who fail to submit their leave slips in accordance with the above requirements will be placed on Leave Without Pay (LWOP) for that pay period. The employee who is placed on LWOP as a result of this policy will keep the Worker's Compensation benefit check covering the LWOP period, instead of sending it in for leave reimbursement as usual. In addition, the employee will be responsible for making arrangements for payment of items which are usually deducted from the paycheck (i.e., loan payments, credit union savings account deductions, insurance premium payments, etc.).

The Baton Rouge office employees who are responsible for completing and submitting the timesheets will NOT be responsible for calling employees to track down delinquent leave slips. The timekeepers will be responsible for notifying the Human Resource Office when an employee is being placed on LWOP under this policy. This is necessary so that the employee can be notified to keep the Worker's Compensation benefit check.

5. PROHIBITION AGAINST SEXUAL DISCRIMINATION POLICY

SEXUAL HARASSMENT/DISCRIMINATION GRIEVANCES

Grievances on sexual harassment or sexual discrimination matters will be handled through the Department's standard grievance procedure, except that the first step of the standard procedure shall be bypassed in the event the employee's direct supervisor is involved, or in the event the employee believes that the grievance will not be satisfactorily dealt with by the direct supervisor. Please see the Procedures Section of this Manual for information on the Grievance Procedure.

It is and always has been the policy of the Department of Agriculture and Forestry that the Department shall not discriminate against any person or employee because of his or her sex. The Commissioner and his staff are committed to equal employment opportunity for all persons and will continue to recruit, hire, promote and base decisions about and personnel actions of applicants and employees on valid criteria, without regard to sex.

Federal and State Law, including Title VII of the Civil Rights Act of 1964, as amended; the Equal Employment Opportunity Act of 1972, as amended; the Equal Pay Act of 1963, as amended; and Louisiana Revised Statute 23:1006 (B); prohibit discrimination on the basis of sex. The Commissioner believes that in addition to being legally mandated, equal employment opportunity, without regard to sex, is morally and ethically right, and further that the Department can function best when it draws from the full capacity of human resources and skills available.

Specifically, the following practices are unlawful and discriminatory, except in those certain instances where sex is a bona fide occupational qualification:

1. To fire or to refuse to hire an individual because of his or her sex,
2. To limit, segregate or classify an applicant or employee in a way that deprives the individual of employment opportunities or privileges because of his or her sex,
3. To adversely affect a term or condition of employment of an employee because of his or her sex,
4. To pay an employee less wages than other employees for performing equal work, in the same location under similar working conditions, when based on his or her sex; and not when the different wages are paid pursuant to a seniority and/or merit system,
5. To allow a co-employee or supervisor to sexually harass an employee.

SEXUAL HARASSMENT

Sexual harassment has been defined as the "unwanted imposition of sexual requirements in the context of a relationship of unequal power". ("Sexual

Harassment Claims of Abusive Work Environment under Title VII", 97 Har.L.Rev. 1449, 1985). The harassment often plays upon the stereotypical role of the female as a sexual object.

It can include one or more incidents of unwelcomed sexual advances or propositions, requests for sexual favors, offensive sexual flirtations, graphic or degrading verbal comments about an individual, the display of sexually suggestive objects or pictures, or any other verbal or physical conduct that is offensive, derogatory or demeaning.

Isolated incidents of jokes in poor taste, off-color language and comments regarding sex of a socially acceptable nature generally do not constitute sexual harassment. To constitute harassment, the conduct must be pervasive and must create an atmosphere charged with discrimination, or create an intimidating, hostile environment that can affect an employee's psychological well-being.

Any such conduct, whether committed by a supervisor or a non-supervisory employee, is specifically prohibited.

Furthermore, no supervisor or non-supervisory employee should threaten, imply, or otherwise suggest that an applicant or employee engage in any sexual activity as a term or condition of employment, or that said applicant or employee's refusal to engage in sexual activity will affect the individual's employment, assignment, compensation, advancement, privileges, career development or any other condition of employment.

Any questions regarding the Prohibition Against Sexual Discrimination Policy or a specific fact situation should be addressed to:

Human Resources
P O BOX 4172
Baton Rouge, LA 70821

6. POLICY ON LEAVE REQUESTS FOR STAFF LEVEL POSITIONS

(Assistant Director & Above)

All types of leave are administered for the benefit of the Department and employee and should not be abused. The following policy will apply on leave matters for staff level positions:

1. In the matter of taking annual or compensatory leave, an employee must first exhaust all accumulated compensatory leave before using annual leave.
2. Annual leave and compensatory leave must be applied for in advance and may be used ONLY when approved by the designated supervisor.
3. Earning and taking of compensatory leave must be approved by the designated supervisor.
4. Assistant Commissioners must notify the Deputy Commissioner's office when using annual or compensatory leave.
5. Deputy Commissioner will approve the leave and work reports of Assistant Commissioners; Assistant Commissioners will approve the leave and work reports of Directors; Directors will approve the leave and work reports of Assistant Directors.
6. A request for more than two (2) consecutive weeks of leave MUST BE APPROVED by the Appropriate Assistant Commissioner.

7. REPORTING OF EMPLOYEE ADDRESSES AND PHONE NUMBERS

REPORTING OF EMPLOYEE ADDRESSES AND TELEPHONE NUMBERS

Upon employment, every employee MUST provide the Human Resource Office with his mailing address and home telephone number. If the employee's mailing address is a post office box, the information must also include the employee's home street address.

If an employee has an unlisted telephone number, the employee has the option of providing that number ONLY to the Assistant Commissioner of Management and Finance. The number will only be made available to the Commissioner and to the Assistant Commissioner of the office to which the employee is assigned.

REPORTING ADDRESS CHANGES

In the event of address changes (either street address, P.O. Box number, or both), employees are required to send WRITTEN notice to the Human Resource Office within 10 days of the change.

REPORTING TELEPHONE NUMBER CHANGES

In the event of a change in telephone number (with or without an address change), employees are required to send WRITTEN notice to the Human Resource Office within 10 days of the change.

If the employee's new telephone number is unlisted, the employee has the option of providing the updated information ONLY to the Assistant Commissioner of Management and Finance, who will make the phone number available only as described above.

ADDRESS FOR OFFICE OF MANAGEMENT & FINANCE

The address of the Human Resource Office is: Louisiana Department of Agriculture & Forestry, P.O. Box 4172, Baton Rouge, LA 70821. The address of the Assistant Commissioner of Management and Finance is: Louisiana Department of Agriculture & Forestry, Post Office Box 4172, Baton Rouge, LA 70821. Please direct your correspondence to the appropriate office.

8. SUBSTANCE ABUSE POLICY

STATE OF LOUISIANA DEPARTMENT OF AGRICULTURE AND FORESTRY DRUG AND ALCOHOL POLICY

I. POLICY

- A. It shall be the policy of the Louisiana Department of Agriculture and Forestry (hereinafter referred to as “the Department”) to maintain an alcohol and drug free workplace.
1. For purposes of this Louisiana Department of Agriculture and Forestry Drug and Alcohol Policy (hereinafter referred to as “policy” or “this policy”) the word “accident” shall be one or a series of unplanned event(s) that caused personal injury, which may include death, or property damage.
 2. For purposes of this policy the word “alcohol” shall mean alcoholic beverages as defined in R.S. 26:241(1).
 3. For purposes of this policy the word “drug” shall mean controlled dangerous substances as defined in R.S. 40:961(7), and controlled substance analogue as defined in R.S. 40:961(8).
 4. For purposes of this policy “reasonable suspicion” exists whenever the known facts and circumstances are sufficient to warrant a person of reasonable prudence in the belief that an employee is in violation of this policy.
 5. For purposes of this policy “safety-sensitive” position or “security-sensitive” position shall mean a position determined by the Human Resource Director within the Department to contain duties of such nature that the compelling State interest to keep the employee alcohol and drug free outweighs the employees' privacy interests. If any position within the Department is determined by the Human Resource Director to be safety-sensitive or security-sensitive within the meaning of this policy, that position shall be identified by job title on a list located in the Human Resource Department. Such list shall be determined with consideration of statutory law, jurisprudence and the practices of the Department.
- B. This policy shall apply to all officials, officers, appointees, and employees (referred to hereinafter collectively as “employees”) of the Department of Agriculture and Forestry.

- C. This policy becomes effective upon the signature of the Commissioner. Subsequent revisions shall become effective on the date the revisions are approved and signed by the Commissioner or Deputy Commissioner.
- D. Employees will be given a copy of this policy and any revisions. Employees will be informed that they must abide by the terms of the policy as a condition of employment or continued employment. They will also be informed of the consequences of any violation of such policy. Notification of this policy shall be required as part of the orientation for new employees.
- E. The Department will implement a program of drug testing in accordance with Executive Order No. MJF 98-38, R.S. 49:1001, et seq., and all applicable federal and state laws.

II. PROCEDURES

- A. The Department reserves the right to test its employees for the presence of alcohol or drugs whenever there is reasonable suspicion to do so.
- B. Drug testing services shall be performed by a provider chosen by this Department, pursuant to applicable bid laws.
- C. All results of alcohol and drug testing shall be reported by the drug testing provider to the Human Resource Director.
- D. Except as such relates to a pre-employment drug test, each Assistant Commissioner shall provide for the conduct of his employees' drug or alcohol test which might be required by a provision of this policy, and shall coordinate such action with the Human Resource Director who may call upon and direct the Department's Safety Officer for aid and assistance.

III. PROHIBITIONS

- A. Reporting to work with the presence of alcohol or drugs, performing work while under the influence of and impaired by alcohol or drugs is prohibited.
- B. The illegal use, possession, dispensation, distribution, manufacture, or sale of drugs by employees at the work site, while on official state business off the work site, and while on call for duty is prohibited.
- C. The refusal to submit to drug testing when properly directed to do so or having a drug test result which confirms a violation of this policy.

IV. DRUG AND ALCOHOL TESTING; CONDITIONS REQUIRING TESTING

The Department shall require drug or alcohol testing under the following conditions.

- 1. Reasonable Suspicion: Any employee shall be required to submit to a drug or alcohol test if there is reasonable suspicion.

2. Post-accident: Each employee involved in an accident that occurs during the course and scope of employment shall be required to submit to a drug or alcohol test if it:
 - a) involves circumstances leading to a reasonable suspicion that the employee was under the influence of drugs or alcohol at the time of the accident, or
 - b) results in or causes the release of hazardous waste as defined in R.S. 30:2173(2) or hazardous materials as defined in R.S. 32:1502(5).
3. Rehabilitation Monitoring: Any employee who is participating in a substance abuse after-treatment program and who has a rehabilitation agreement with the Department which relates to disciplinary action taken for a violation of this policy shall be required to submit to random drug testing.
4. Pre-employment: Each prospective employee shall be required to submit to a drug screening at the time and place designated by the Commissioner. A prospective employee who tests positive for the presence of drugs in the initial screening shall be eliminated from consideration for employment. In the event the employee has entered a duty status prior to the receipt of the positive test result, the employment shall be immediately terminated.
5. Safety-sensitive position and Security-sensitive position: Each employee who is in a safety-sensitive or security-sensitive position may be periodically required to pass a drug and alcohol test. All such testing shall occur, if practicable, during the selected employee's work schedule.

V. CONFIDENTIALITY

All information, interviews, reports, statements, memoranda, and test results received by the Department through its drug and alcohol testing program are confidential communications, pursuant to R.S. 49:1012, and may not be used or received in evidence, obtained in discovery, or disclosed in any public or private proceedings, except in an administrative or disciplinary proceeding or hearing, or civil litigation where alcohol or drug use by the tested employee is relevant.

VI. ASSISTANCE

The Department will encourage and support its employees in seeking rehabilitation services and will assist them in utilizing any available state-supported services. Use of sick, annual and compensatory leave or leave without pay for purposes of bona fide rehabilitation efforts is encouraged.

VII. VIOLATION OF THE POLICY

A violation of this policy shall result in disciplinary action by the Department in conformity with Part VIII of this policy.

VIII. DISCIPLINARY ACTION

A violation of this policy is considered conduct detrimental to Department service and shall result in disciplinary action, which might include termination.

IX. CONVICTIONS

- A. Employees are required to notify the Human Resource Director within five (5) days of conviction of any criminal alcohol or drug statute.
- B. A department agency that receives federal grants and contracts, thus making it subject to the Federal Drug-Free Workplace Act of 1988, shall report any criminal drug statute convictions of their employee to the federal agency from which the grants or contracts are received within ten (10) days after receiving notice from the employee or otherwise receiving actual notice of such conviction.

Effective date April 16, 2008

**STATE OF LOUISIANA
DEPARTMENT OF AGRICULTURE AND FORESTRY**

DRUG AND ALCOHOL POLICY

My signature below indicates that I have been given a copy of the Drug and Alcohol Policy for the Department of Agriculture and Forestry and have been given an opportunity to have my questions answered concerning its contents. I understand that compliance with this policy is a condition of my employment or continued employment and, as such, I hereby agree to abide by the terms and conditions of this policy.

SIGNATURE

PRINT NAME

DATE

Effective April 16, 2008

9. SMOKING POLICY

It is the policy of the Department of Agriculture and Forestry to protect the health, comfort and environment of the employees in the office workplaces of the Department. It is the intent of the policy to protect the right of non-smoking employees to breathe smoke-free air in the office workplace.

However, it is not the intent of the policy to discriminate against any employee with respect to discharge, compensation, promotion, any personnel action or other condition, or privilege of employment because the employee is a smoker or non-smoker.

The Louisiana Office Indoor Clean Air Law mandates that each employer who operates an office in the state is to maintain a written smoking policy. That law also provides that the state official in charge of an area within a facility shall prohibit smoking.

Pursuant to this law and pursuant to the aforesaid policy and intent, the following policy is hereby adopted:

DEFINITIONS:

- 1.1 "AREA" means any portion of an office workplace or under the roof thereof or within fifty feet of the exterior walls thereof.
 - 1.2 "EMPLOYEE" means any person who is employed by an employer in consideration of direct or indirect monetary wages or profit.
 - 1.3 "FACILITY" means any real property owned or operated by the Department upon which there are one or more structures containing office workplaces operated by the Department and shall include all real property within the boundaries of said real property.
 - 1.4 "OFFICE WORKPLACE" means any enclosed area of a structure or portion thereof, intended for occupancy by business entities, which provides primarily clerical, professional or business services of the business entity, or which provides primarily clerical, professional or business services to other business entities or to the public at that location.
 - 1.5 "PERSON" means any individual, firm, partnership, association, corporation, company, organization or other legal entity.
 - 1.6 "SMOKING" means the carrying of a lighted cigar, cigarette, pipe or any other lighted smoking equipment, in addition to the inhaling of and exhaling of smoke by a person from any form of lighted tobacco.
- 2.0 Smoking by any person in the office workplace is prohibited.
- 3.0 A designated smoking area within the facility shall be established upon the request of any employee of the Department. The area so designated shall be an area reasonably accommodating to the smoker while adhering to the intent of this policy.

NO-SMOKING POLICY FOR LDAF POOL VEHICLES

The Department will no longer permit smoking in pool vehicles. Recognizing sensitivities of non-smoking personnel and associated health hazards of second hand tobacco exposure, no drivers or passengers will be allowed to smoke while occupying a departmental pool vehicle.

Failure to abide by this departmental policy may result in disciplinary action.

Complaints of policy abuse are to be reported to the LDAF Fleet Manager in writing or by e-mail.

THIS POLICY SHALL BECOME EFFECTIVE AT CLOSE OF BUSINESS NOVEMBER 20, 1992.

10. FAMILY AND MEDICAL LEAVE

WHAT "FAMILY AND MEDICAL LEAVE" IS:

The Family and Medical Leave Act (FMLA) does not provide an additional category of leave for employees. The FMLA provides job and health insurance protection to employees for a specified period of time if an employee needs to be off from work due to serious personal illness or to care for a seriously ill family member. The Act also covers leave related to birth, adoption or placement of a foster care child. The Act specifies that an employee shall be eligible for twelve weeks of unpaid leave in a 12 month period for FMLA-qualifying reasons; however, an employer is allowed to substitute paid leave (when available) during the 12 week period.

A married couple working for the same employer is entitled to a TOTAL OF 12 weeks of FMLA leave for birth, adoption, placement of foster care child, or to care for a parent. For personal illness or care of a sick child, they are EACH entitled to 12 weeks. If a couple exhausts their joint 12-week entitlement for birth of a child by each taking 6 weeks of leave, they will still each retain an additional 6 weeks for personal illness or to care for a seriously ill child.

This policy will define what is required from employees wishing to take FMLA leave.

DEFINITION OF ELIGIBLE EMPLOYEE

An employee is eligible if he/she has worked for a covered employer for at least one year and has worked at least 1,250 hours over the previous twelve months.

DEFINITION OF 12-MONTH PERIOD

As required by the Department of State Civil Service, all agencies will base the 12-month FMLA period on the basis of "first usage". That is, each employee's 12-month period will begin with the employee's first use of FMLA leave.

DESIGNATION OF LEAVE AS FAMILY OR MEDICAL LEAVE

The employer is responsible for determining and designating leave as FMLA leave.

1. CONDITIONS FOR WHICH FAMILY OR MEDICAL LEAVE WILL BE GRANTED

The following information is taken from the Family and Medical Leave Act. Any situation which is not specifically mentioned below but which the employee feels should qualify for FMLA leave should be discussed with the supervisor.

- a. Birth of a child (includes pre-natal care or complications)
- b. Adoption of a child of any age (including required pre-adoption counseling sessions and court appearances and other related matters)

- c. Placement of foster care child (including pre-placement or post-placement matters unrelated to health or age of child)
- d. Serious illness of a family member (child, spouse, parent)
 - 1. Spouse in Louisiana means an individual's legal spouse. Common-law relationships are not recognized in the State of Louisiana.
 - 2. Child means biological, adopted, or foster child, stepchild, legal ward, child of an employee standing "in loco parentis", or of the above over 18 who is incapable of self-care because of a mental or physical disability".
 - 3. Parent includes adoptive or step-parents, and an individual who stood "in loco parentis" to the employee.
 - 4. "In loco parentis" means any person who had day-to-day financial responsibility for a child. Could be relative such as an aunt or grandmother, or other person involved in the upbringing of a child.
- e. Serious personal illness.

NOTE: Paid leave, including paid sick leave, which is used for a medical condition that IS NOT A SERIOUS HEALTH CONDITION does NOT count against the 12 weeks FMLA leave entitlement (includes employee's minor personal illness or minor illness of a family member such as a child).

2. DEFINITION OF A SERIOUS HEALTH CONDITION

The following information is taken from the Act. Any situation which is not specifically mentioned below that the employee believes will qualify for FMLA leave should be discussed with the supervisor.

- a. Period of incapacity or treatment in connection with or after inpatient care in a medical facility,
- b. Period of incapacity requiring absence of MORE THAN THREE DAYS from regular daily activities that also involves continuing treatment by or supervision of health care provider, OR an illness that would result in absence of more than 3 days if left untreated.
- c. Treatment or long-term supervision of chronic or long term condition that is incurable (i.e., individual has suffered a severe stroke, has Alzheimer's, terminal stages of diseases),
- d. "Continuing treatment" means treatment two or more times for the condition, including treatment by referral or under orders from health care provider (i.e., physical therapy, etc.).
- e. Voluntary or cosmetic treatments which are not MEDICALLY NECESSARY (i.e., orthodontia, acne, etc) are not covered UNLESS inpatient care is required. Restorative surgery after an accident is covered.

3. AGENCY DECISION PROCESS AND NOTIFICATION TO EMPLOYEE

a. DECISION PROCESS

Each supervisor shall be responsible for reviewing leave requests to determine if a request qualifies under the FMLA. If a request qualifies, the supervisor shall notify the employee at the time the request is approved that this period of leave will be counted toward the employee's FMLA entitlement.

The supervisor will also advise the employee that required certification is needed within 15 calendar days from the beginning of the leave period.

b. DELAYED DECISION

If an employee begins a period of leave and it is later determined by the supervisor that all or part of the leave being taken qualifies as FMLA leave, the employee will be notified that he/she is being placed on FMLA. The designation MAY BE RETROACTIVE to the date the leave first qualified as FMLA. The employee will be given 15 days from the notification date to submit appropriate certification.

c. AGENCY REVIEW OF DECISION

To ensure consistency within the Department, each request for leave designated as FMLA leave must be reviewed by the Assistant Commissioner of Management and Finance.

Each supervisor who has approved any request for FMLA leave must send written notification to his Assistant Commissioner and to the Assistant Commissioner of Management and Finance. The notification must include the name of the employee, the dates the employee has requested to be on leave, and the reasons for the leave.

The Assistant Commissioner of Management and Finance will make the final determination as to whether the leave qualifies as FMLA leave. If the leave does NOT qualify as FMLA leave, the Assistant Commissioner of Management and finance will notify the appropriate supervisor, who will then notify the employee that the leave is not being counted against his/her FMLA entitlement.

d. EMPLOYEE NOTIFICATION

The employee must be notified prior to the beginning of the leave period that leave being taken will count against the employee's FMLA entitlement. RETROACTIVE DESIGNATION may be made if the employer finds out after a period of leave has begun that the leave qualified as FMLA.

Employees will be given 15 calendar days from the date the leave was requested to provide the required certification in the form of a physician=s statement (see page III-43 and III-44). If retroactive designation is made, or if subsequent certification is requested, the employee will be given 15 days from the date the certification or additional information was requested.

TYPE OF LEAVE TO BE TAKEN

NOTE: COMPENSATORY TIME EARNED AT THE TIME AND ONE-HALF RATE MAY NOT BE USED AS A PERIOD OF FMLA LEAVE. Straight time K-time MAY be used during a period of FMLA leave. An employee may use time and one-half compensatory time for any reason (subject to supervisor approval), but time and one-half K-leave will not count against an employee's 12-week FMLA entitlement.

1. EMPLOYEE ILLNESS OR RECOVERY FROM BIRTH

An employee must use paid sick leave for periods of personal illness or for the recovery from the birth of a child. When sick leave has been exhausted, the employee will be required to use straight time K-leave and/or annual leave. Leave without pay will be approved ONLY when all paid leave has been exhausted.

For recovery from the birth of a child, six weeks of sick leave will be allowed. Any additional time must be taken as straight time K-leave and/or annual leave, UNLESS the physician certifies that there are complications and additional recovery time is needed.

2. OTHER FMLA QUALIFYING REASONS

An employee must use straight time K-leave and/or annual leave when time off is needed for FMLA qualifying reasons that are not related to the employee's personal illness or recovery from birth. Leave without pay will be approved ONLY when all paid leave has been exhausted.

3. REQUIREMENTS FOR APPROVAL AND USE OF UNPAID LEAVE

Unpaid leave (Leave Without Pay) will be approved ONLY when an employee has exhausted all sick leave, straight time K-leave and annual leave for a serious personal illness, or when the employee has exhausted all straight time K-leave and all annual leave for other FMLA-qualifying reasons.

EMPLOYEE LEAVE REQUEST REQUIREMENTS

No request for leave identified as FMLA leave will be denied. If a supervisor does not have sufficient information to determine if a leave request will qualify under the FMLA, the supervisor may treat the request the same as ANY request for leave and the supervisor retains the option of denying the leave.

1. REQUESTS FOR SPECIFIC BLOCKS OF TIME UP TO TWO WEEKS

Employees must use their normal leave request procedures when requesting sick, straight time K-leave and/or annual leave to be used for FMLA-qualifying reasons. Employees are not required to make a request specifically for "FMLA" leave; however, employees ARE responsible for providing their supervisor with enough information to enable the supervisor to determine if the request will qualify under the FMLA. In addition, the employee is responsible for providing certification as to the need for the leave within 15 calendar days of making the request.

2. REQUESTS FOR BLOCKS OF TIME IN EXCESS OF TWO WEEKS

Employees must give at least 30 days notice if a block of time in excess of two weeks will be needed. The Department reserves the right to delay approval of FMLA leave which exceeds two weeks until 30 days after receiving the request. This may be waived if there are emergency or extraordinary circumstances which obviously could not be foreseen 30 days in advance.

The Department retains the right to transfer an employee to a different but equivalent position if the work of that position can better absorb the extended absence.

The employee is responsible for providing adequate certification as to the medical necessity for the extended leave within 15 calendar days of making the request.

3. REQUESTS FOR INTERMITTENT USE OR REDUCED WORK SCHEDULE

Employees must give at least 30 days notice if intermittent use or reduced work schedule use of FMLA will be needed. The Department reserves the right to delay approval of intermittent use or reduced work schedule until 30 days after receiving

the request. This may be waived if there are emergency or extraordinary circumstances which obviously could not be foreseen 30 days in advance.

When requesting intermittent use or reduced work schedule, the employee must make reasonable effort to schedule leave so as not to unduly disrupt the employer's operations.

The Department retains the right to transfer an employee to a different but equivalent position if the work of that position can better absorb the absences required of an intermittent or reduced work schedule.

The employee is responsible for providing adequate certification as to the medical necessity for the leave within 15 calendar days of making the request.

4. REQUESTS FOR LEAVE FOR MATERNITY PURPOSES

The Department requires at least 30 days notice of the anticipated due date. Notice must be given IN WRITING to the employee's supervisor and to the Assistant Commissioner of Management and Finance.

If the employee wishing to use this leave is the father of a child, and the child is born before the 30 day notice requirement has been met, the Department will delay the commencement of the leave period until 30 days after notice was given to us by the employee. This will be waived if there are extenuating circumstances. If a waiver is requested, the request (including the reasons for the request) must be presented as soon as possible to the Assistant Commissioner of Management and Finance.

HEALTH INSURANCE COVERAGE WHILE ON LEAVE (WITH OR WITHOUT PAY)

In order to retain health insurance coverage, the EMPLOYEE will be responsible for continuing payment of the EMPLOYEE SHARE of the premium while on FMLA leave. The Department will maintain the employer share of the premium for this same period.

If the employee is on paid leave, the employee share of the premium will be deducted as usual. If the employee is on leave without pay, the employee will be responsible for making arrangements with the Department for continuing payment of the employee share of the premium. The employee may arrange to make these payments by contacting the Payroll Section at (225) 922-1255.

At the end of the 12-week FMLA entitlement, the Department's obligation to continue the employer portion of the premium ends.

In addition, if the employee fails to return to work after the 12-week entitlement, the employer, under certain circumstances, may have the right to recover the employer portion of premiums paid while the employee was on FMLA leave. The employer may NOT recover employer portion of premiums paid if the reason the employee cannot return to work is related to serious illness of the employee or reasons beyond the employee's control.

An employee must return to work for at least 30 calendar days in order to be considered as having returned to work.

CERTIFICATION REQUIREMENTS

1. PRIVACY CONCERNS

Employees should be aware that medical information provided to the Department is maintained separately from the Personnel Files, and is NOT considered to be public information. This information is kept private, and is available only to those who need to know. The information is restricted to those Departmental officials, managers and supervisors who will determine whether FMLA is appropriate, or who will be making work schedule modifications to accommodate any leave taken.

2. WHEN CERTIFICATION IS REQUIRED

Certification may be required for any leave designated and /or approved under the Family and Medical Leave Act.

3. TIME PERIOD FOR PROVIDING CERTIFICATION

When certification is requested, the employee must provide adequate certification within 15 calendar days of receiving the request for certification. The 15 day requirement will be waived if emergency or extraordinary circumstances exist which prevent the employee from obtaining the certification.

4. CERTIFICATION UPDATES

After the initial certification is provided, the employee may be required to provide an updated certification every 30 or more days, depending upon the circumstances of each individual case.

5. FITNESS FOR DUTY or RETURN TO WORK CERTIFICATION

If the FMLA leave was taken due to employee's personal illness (rather than to take care of a sick relative), the Department will require certification from the physician that the employee is able to return to work and perform all essential functions of the employee's position.

6. FAILURE TO SATISFY CERTIFICATION REQUIREMENTS

The employee may be denied FMLA and/or paid leave if the certification is inadequate and the employee is unable to obtain information to remedy the deficiency.

7. INFORMATION WHICH MUST BE INCLUDED IN THE LEAVE REQUEST CERTIFICATION

Certification may consist of a statement from the physician which must contain the following information. If desired, employees may use the Certification Form which appears on page III-45:

- a. Diagnosis.
- b. Estimated duration of condition or treatment needed.

- c. Whether condition and/or treatment will require one extended block of time, or intermittent time away from work, or a combination.
- d. If leave is needed to care for FAMILY MEMBER, the employee or family member's physician must give a brief statement as to the type of assistance the patient needs and estimate of the time period that will be required (duration, and whether extended or intermittent time is required).

FAILURE OF EMPLOYEE TO SATISFY CERTIFICATION REQUIREMENT

If the employee fails to provide any requested certification, the FMLA, plus any paid annual or sick leave, may be denied to the employee.

If an employee fails to satisfy the return to work certification needed when employee has taken FMLA leave for personal illness, the employee may be denied restoration to his/her position until adequate "fitness for duty" or "return to work" certification has been presented.

DEPARTMENT OF AGRICULTURE & FORESTRY
P O BOX 4172, BATON ROUGE, LA 70821 FAX 225-237-5753

CERTIFICATION OF HEALTH CARE PROVIDER
FAMILY & MEDICAL LEAVE ACT OF 1993

If the patient is the employee, complete only Parts I & III.

If the patient is the employee's family member, complete only Parts II & III.

=====

PART I (Required only if the patient is the employee)

1. Employee's Name:

2. Diagnosis and date condition commenced: (NO CODES PLEASE)

3. Patient's condition will require use of leave as follows:

// One block of time // Intermittent absence // Both // None

4. Probable duration of the condition or need for treatment:

=====

PART II (Required only if the patient is the employee's family member)

1. Employee's Name:

2. Patient's Name & Relationship to Employee:

3. Patient's condition will require employee's use of leave as follows:

// One block of time // Intermittent absence // Both // None

4. Probable duration of the condition or need for treatment:

=====

PART III - SIGNATURES (Required for all certifications)

SIGNATURE OF HEALTH CARE PROVIDER

DATE

Type of Practice

SIGNATURE OF EMPLOYEE

DATE

HEALTH CARE PROVIDER INFORMATION **FAMILY & MEDICAL LEAVE CERTIFICATION**

Information should be provided as it relates to the patient's condition for which the employee requires use of Family & Medical Leave. In most cases, the patient will also be the employee.

TREATMENT includes examinations to determine if a serious health condition exists and evaluations of the condition. Treatment does not include routine annual physical examinations, eye examinations or dental examinations.

A REGIMEN OF CONTINUING TREATMENT includes, for example, a course of prescription medication or therapy requiring special equipment to resolve or alleviate the health condition. A regimen of treatment does not include the taking of over-the-counter medications such as aspirin, antihistamines or salves; or bed-rest, drinking fluids, exercise and other similar activities that can be initiated without a visit to a health care provider.

INCAPACITY, for purposes of FMLA, means the inability to work, attend school or perform other regular daily activities due to the patient's health condition, the patient's treatment for that condition or the patient's recovery.

SERIOUS HEALTH CONDITION does not include such routine problems as colds, flu, etc. When determining the existence of a serious health condition for purposes of FMLA, consider the following:

1. Hospital Care.
2. Recurring periods of incapacity resulting from the same condition.
3. Pregnancy - Any period of medically necessary absence due to pregnancy, or for prenatal care, or birth.
4. Chronic condition requiring periodic or recurring treatments
5. Chronic condition which may cause episodic periods of incapacity
6. Permanent/long-term conditions requiring supervision. (Examples include a severe stroke or the terminal stages of a disease).
6. Multiple treatments (non-chronic conditions).

11. MANDATORY TRAINING POLICY

The Louisiana Department of Agriculture & Forestry is committed to ensuring that supervisory personnel possess strong leadership, administrative and managerial skills; therefore, this policy establishes the Mandatory Training Program for department supervisors. This program is designed to develop and enhance such qualities in those employees who have been hired or promoted into supervisory level positions and who will lead this Department in meeting the challenges and demands of the future.

SUPERVISORY GROUPS

Training is being mandated for three supervisory groups. Supervisory Group 1 is comprised of job titles which have an Organization Control Rating of 5 or 6 (a rating factor used by the Department of Civil Service to designate the level of managerial responsibilities of supervisory and managerial jobs); Supervisory Group 2 is comprised of job titles with an Organizational Control Rating of 7 or 8; and Supervisory Group 3 is comprised of those with an Organizational Control Rating of 9 or higher. NOTE: Not all jobs with an Organizational Control Rating of 5 or higher will appear in these groups. Jobs that were identified as having functional or regulatory supervision, rather than direct supervision of incumbents, have been excluded. A list of supervisory positions within LDAF affected by this policy is attached.

RESPONSIBILITIES

It will be LDAF's responsibility to make supervisor personnel aware of training availability and grant appropriate time to obtain the training and that training time is made uniformly available to all supervisory personnel. Failure to grant time for training to supervisor personnel will be considered an agency violation of Civil Service Rule 7.4(f). LDAF has appointed the Human Resource Manager 3 as the agency's Comprehensive Public Training Program Coordinator. This employee will be responsible for making the required training known to all supervisory personnel and working with individual employees to ensure that appropriate training courses are selected for the appropriate supervisory group. All mandatory training classes are to be scheduled and/or cancelled through this agency's CPTP Coordinator. It is highly recommended that supervisors include the required training as a performance expectation for at least one, if not more, performance factors in the PPR Planning Document.

Employees in affected supervisory positions will be responsible for attending the training for which they are scheduled and for notifying the CPTP Coordinator when classes must be cancelled. Cancellation notice should be rendered at

least one week prior to the training date to allow sufficient time for substitutions to be made. Employees are also encouraged to forward a copy of certificates received after training classes are completed to the CPTP Coordinator so that the LDAF training database can be updated and all training records for individual employees can be kept current.

TRANSITION PERIOD

The transition period shall begin with the effective date of this policy (July 1, 2002) and shall continue for three years, through June 30, 2005. All employees occupying affected supervisory positions on the effective date of this policy shall have until June 30, 2005, to complete the required training. Employees who are promoted are reallocated to a supervisory position shall have three years from the effective date of the action to complete the required training.

Employees promoted, reallocated, job corrected or re-evaluated into a supervisory position will be notified by the CPTP Coordinator which mandatory training classes they will be required to obtain and will be given three years from the date of the action to obtain such training.

MANDATORY TRAINING REQUIREMENTS

A chart of all training requirements for each supervisory group is available in the Human Resource Office of LDAF and will be provided to supervisory personnel when the required classes are scheduled. LDAF has a training records database and can provide supervisory personnel with individual records of completed training. Upon request, the CPTP Coordinator will provide supervisory personnel copies of training records provided from the Comprehensive Public Training Program database.

EFFECTS OF NOT MEETING TRAINING REQUIREMENTS WITHIN ALLOWED TIME FRAME

Any supervisory personnel who does not meet the mandatory training requirements within the allowed three (3) year time period may be disciplined in a manner consistent with the policies of LDAF or may be separated in accordance with the provisions of Civil Service Rule 12.6(b).

For further information concerning the Mandatory Training Policy, please contact the Human Resource Office.

12. POLICY ON THE WEARING OF UNIFORMS

EMPLOYEES COVERED BY THIS POLICY

This policy covers all employees who have been issued a uniform by the Department.

WEARING OF THE UNIFORM

Employees must wear their uniforms in accordance with his/her Office policy. Employees must not wear the uniform while off duty, except when travelling to or from work.

Each Assistant Commissioner has the authority to issue written OR verbal exceptions to the uniform policy; employees who do not wear a uniform in response to an exception issued by the Assistant Commissioner shall not be penalized.

Each employee is responsible for ensuring that uniforms are worn properly, and that no misuse of the uniforms or uniform items in his/her possession occurs.

PROPER USE OF THE UNIFORM

Uniforms are intended for use by active Departmental employees while representing the Department during on-duty hours, in accordance with his/her Office policy.

Employees must not wear the uniform while off-duty, except when travelling to or from work.

LDAF uniforms must not be worn by any individual who is not an active, on-duty employee of the Department. Any employee who makes his uniform or uniform items available to be worn by individuals who are not active employees of the Department will be subject to appropriate disciplinary action.

FAILURE TO WEAR UNIFORM

Any employee who reports to work in clothing other than the required, approved uniform shall be considered as having not reported to work in a manner acceptable to perform his/her duties, and shall be placed on LEAVE WITHOUT PAY until he/she can return home and change into the uniform.

The supervisor may specify an amount of time that is sufficient for the employee to return home and change.

MAINTENANCE OF UNIFORMS

Employees shall regularly inspect their uniforms to ensure that the uniforms are clean and in good repair, and that new uniforms are obtained when necessary to ensure that a professional appearance is presented.

Uniforms or uniform items (patches, logos, etc.) which become damaged or unwearable should be returned to the Department for disposal.

RETURN OF UNIFORMS OR UNIFORM ITEMS

Any uniform purchased through the Department=s employee uniform allowance is and will remain the property of the Department. When an employee=s employment ends, for whatever reason, all uniforms or uniform items in the employee=s possession must be returned to the Department for disposal.

Uniforms and uniform items may be purchased by employees with their own funds. Those items, while they are not the property of the Department, are official Departmental uniform items and as such, are subject to all rules regarding the use and wear of the items. Upon separation from the Department, the employee may keep any item purchased with his/her own funds; however, all LDAF emblems, patches, logos, etc., must be removed from the items and returned to the Department for disposal.

PENALTIES

Employees who regularly fail to wear their uniforms, or who fail to ensure their uniforms are maintained (kept clean and in good repair), shall be subject to being suspended without pay for three (3) working days.

Employees who are found to have allowed their uniforms or uniform items to be worn by individuals other themselves will be subject to appropriate disciplinary action, depending upon the circumstances and consequences of each individual situation.

More severe disciplinary action will be considered for any employee who has been suspended at least twice in a 12-month period for failure to wear or properly maintain the uniform.

No penalty shall be assessed against an employee who has received permission for an exception from the uniform policy. Exceptions can be granted by the Commissioner or the appropriate Assistant Commissioner.

13. POLICY ON OFFICIAL WORK AREA - FIELD EMPLOYEES

Following is policy regarding workday start time for field employees who do not report daily to a District Office. Please see that all employees in your office are aware of and adhere to this policy.

1. A work area shall be established for each field employee, which will consist of the geographical area within a 30-minute radius of the employee's home.
2. When practical, an employee shall schedule his first inspection of the day within his established work area.
3. The employee shall leave his home to ensure arrival by 8:00 a.m. at the site of the day's first inspection.
4. If for business reasons, the first inspection of the day will occur at a site outside the inspector's established work area, the inspector shall:
 1. Inform his supervisor. This must be done in advance, when possible. If the employee is unable to inform his supervisor in advance, the employee shall inform his supervisor within two days.
 2. Leave his home no later than 8:00 a.m.
 3. Provide a written statement as an attachment to his work report. The written statement must include the reasons why the inspection had to be scheduled at the beginning of the day. If the employee was unable to inform his supervisor in advance, the statement must also include the reasons why the employee was unable to inform his supervisor in advance. The Office/Division must ensure that the written statement is kept on file with the employee's work report for that week.
5. The Department makes every effort to hire and place employees so that the employee's residential domicile corresponds closely to the position's work domicile. However, in some cases, an employee may, for personal reasons, choose to maintain a residential domicile which is not within the position's work domicile. If any employee chooses to reside in an area which does not correspond to the work domicile of the position, the employee must comply with No. 3 above.

14. NEPOTISM POLICY

Nepotism is not favored. This nepotism policy is applicable to relatives of existing employees who are related by blood or marriage.

Before any applicant who is the subject of this policy is offered employment of any kind whatsoever, the expressed written approval of the Commissioner is required.

Anyone violating the policy shall be personally responsible for any and all costs resulting from violation of this policy, including payroll expenditures to the improperly hired employee, and shall also be subject to termination.

15. LAWSUITS AGAINST EMPLOYEES OF LDAF

If you do not follow the procedures set out in this correspondence, you may lose your right to have the State of Louisiana pay for your defense and to pay any monetary judgment that may be rendered against you in the event you are ever sued as a result of your employment with this Department.

The State will not defend you or pay any judgment rendered against you if you were not engaged in the performance of the duties of your office or of action happened or if it is determined that you were engaged in criminal conduct at that time.

Act 65 of the First Extraordinary Session of 2000 requires LDAF to inform you, as an official, officer or employee of this Department, about your rights to have the State of Louisiana pay for your defense and to pay any monetary judgment that may be rendered against you in the event you are ever sued as a result of your employment with this Department. This is your notification.

If you are sued in State or Federal court as a result of something that happened while you were engaged in the performance of your duties as an official, officer, or employee of this Department, you have ten (10) calendar days from the time you are served with any summons, complaint, process, notice, demand or pleading to deliver the original or a copy to the Louisiana Attorney General. Upon such delivery, the Attorney General has ten (10) working days to determine whether to provide you with legal representation. If the Attorney General does decide to provide representation, his office will provide an attorney to represent you and the State will pay any judgment rendered against you. If the Attorney General decides that you are not entitled to representation, you will be notified; and you will have five (5) calendar days from the date you receive such notice to ask him to reconsider his decision and to provide to the Attorney General any additional information that may support further consideration. In the event the Attorney General affirms his decision not to represent you, then you must retain your own attorney to defend yourself. In the event you do so and a court decides that the Attorney General's decision not to represent you was wrong, you can receive reimbursement from the State for your legal costs and any judgment against you.

To ensure that you do not lose your right to be defended by the Attorney General or to have the State pay any judgment rendered against you, you must comply with the following procedures. Immediately upon receipt of a law suit, make a copy for yourself and deliver the original and all documents you were served with to this Department's legal section. If you work and reside out of Baton Rouge, you may fax a copy to the legal section at (225) 922-1253, then place the original in the mail for delivery by interoffice mail or by U.S. Mail to the legal section at P. O. Box 631, Baton Rouge, Louisiana, 70821. If after being served with a lawsuit you have any questions, call the legal section at (225) 922-1234. Remember, the legal section of this Department must receive the lawsuit from you in sufficient time to deliver it to the Attorney General within ten (10) calendar days from the date you were served with the lawsuit. If you wish to further ensure that the Attorney General receives a copy of the lawsuit within the ten (10) calendar day period, you may mail it by U. S. Mail, Registered or Certified, Return Receipt Requested, directly to:

The Office of the Attorney General
Division of Risk Litigation
P. O. Box 94095
Baton Rouge, LA 70804-9095

It is very important that you follow these procedures because if the Attorney General does not receive the lawsuit within the ten (10) calendar days from the date the suit was served on you, then you may lose your right to be represented by the Attorney General and for the State to pay any judgment that may be rendered against you.

16. DO'S AND DON'TS WHEN DEALING WITH INMATES

Listed below are some general categories of prohibited inmate behavior so that all concerned will be aware of an inmate's limits of conduct. If you observe an inmate committing any of the following unauthorized activities, please contact a correctional officer immediately.

1. Inmates are not allowed to possess contraband (i.e., alcohol, weapons, drugs, medication, syringes, money).
2. Inmates must be in their suggested areas at all times and must perform their tasks with reasonable speed and efficiency. (Inmates who refuse to work will be returned to the correctional facility).
3. Inmates must address all employees by their proper title or by "Mr., Mrs., Miss, or Ms." at all times.
4. Inmates shall not invade the privacy of an employee with unsolicited non-threatening affectionate or overtly sexual conversations, correspondence or phone calls.
5. Inmates shall not commit or threaten to commit bodily harm upon any person.
6. Inmates shall not bribe, or attempt to bribe, influence or coerce anyone to violate institutional policy, procedure, rules and/or state or federal laws.
7. Inmates shall not display disruptive and/or boisterous behavior.
8. Inmates shall not participate in and/or operate any game of chance involving bets or wagers.

While it is not possible to define all prohibited acts, the above listing should provide a general guide of an inmate's behavior. If you have any questions or concerns regarding an inmate's behavior, please do not hesitate to contact a correctional officer or your immediate supervisor.

In addition to the above prohibitions on inmate behavior, the following is a list of do's and don'ts that employees should adhere to regarding the treatment of an inmate.

1. Employees shall not engage in conversations with an inmate other than Simple courtesies (i.e., good morning, thank you). An employee should not respond to questions, interact in conversation, ask work related questions or give instructions to an inmate. If conversation is required other than the most simple and brief, the correctional office must be contacted.
2. Employees shall not correspond with an inmate by phone, mail, note or any other method.
3. Employees shall not mail letters or any other articles for an inmate.
4. Employees shall not be affectionate with an inmate to include casual touching, either alone or in the presence of others.
5. Employees shall not call or accept calls from an inmate, his family or friends. If you should receive a call either from an inmate, reject it and report it immediately to a correctional officer or your immediate supervisor.
6. Employees shall not allow an inmate to use any telephone and should report any use of a telephone to a correctional officer or supervisory personnel.
7. Do not leave valuables, office supplies or contraband (i.e., jewelry, scissors, letter openers, money, cigarettes, cigarette lighters, weapons,

alcohol, drugs, medication) where it would be accessible to an inmate. These items should be kept secured at all times. If you have any questions as to what is considered contraband, please consult with a correctional officer.

8. Employees shall not give anything to an inmate (i.e., money, tips, cigarettes, candy, pictures, telephone numbers). Nor should an employee accept anything from an inmate (i.e., paintings, drawings, poems, correspondence).
9. Employees shall not bribe, influence or coerce an inmate or his family or friends, to violate institutional policy, procedure, rules or state or federal laws (or attempt to).
10. Any employee who is related to or acquainted with an inmate assigned to the building in which they work, must report this to their supervisor and/or correctional officer immediately.
11. Employees shall not develop any type of relationship with an inmate, his family or friends.
12. Employees shall not leave on their desk or discard into garbage cans any data containing personal information (i.e., home address, bills, social security number, bank information, credit cards, credit card receipts or statements).
13. Employees should secure their computers when not in use and should not leave their password to access their computer where it can be easily read by an inmate.
14. Employees shall not assign an inmate work outside the regular work area. All communications and/or jobs regarding an inmate must be directed to a correctional officer.

It is very important that employees report all unusual occurrences concerning an inmate to a correctional officer or the institution.

If you have any questions regarding this information, please contact a correctional officer or the Human Resource Office.

17. Tuition Reimbursement

The LDAF encourages and supports its employees equally in their efforts to enhance their educational qualifications and, toward that end, may reimburse all or a portion of an employee's costs of tuition for a job-related degree that are incurred by the employee while he/she is a full-time employee of the Department, all subject to the terms and conditions set forth herein and effected retrospectively.

1. An employee's written request to the Commissioner for reimbursement of tuition costs shall be made in advance of any matriculation that is subject to this policy; and the denial of such request or its approval with or without conditions likewise shall be set forth in writing by the Commissioner prior to the period of matriculation that is subject to this policy.
2. For the purpose of this policy, the term 'tuition' means the cost for instruction charged by a post secondary institution that is accredited by an accrediting agency recognized by the U.S. Secretary of Education, and shall not include any fees whatsoever, the cost of books or study aids, or any other charges deemed not to be related to the direct cost of instruction.
3. The employee's written request for tuition reimbursement shall be addressed to the Commissioner and shall include the name of the college or university the employee intends to attend, the major course of study to be pursued, the specific title of the degree the employee seeks, and a narrative which describes the benefit to both the employee and the Department that said course of study will provide. No reimbursement of tuition costs shall be made if the designated major course of study and/or title of degree is not the same as is set forth in the employee's request, unless and until any such change is approved by the Commissioner in advance of conferment of the degree. Further, the employee's written request shall include the transcripts of all college and university credit or any degree received prior to his/her submission of said request.
4. Subject to the terms and conditions set forth herein, reimbursement of tuition cost shall be made for either a baccalaureate, master or doctorate degree.
5. Subject to the terms and conditions set forth herein, the amount of reimbursement of an employee's costs of tuition shall not exceed \$12,000.00.
6. This policy shall not be construed as a binding contract and the Commissioner shall have sole authority and control with regard to the interpretation of any and all of its provisions, and the administration thereof. Any subject reimbursement shall be effected at the discretion of the Commissioner and subject to the availability of funding as determined solely by the Commissioner.

7. No reimbursement of tuition costs, or any portion thereof, shall be made until the subject degree is conferred, evidence of which shall be an original of a transcript issued by the institution conferring the degree, such transcript to be provided by the employee. In addition thereto, the employee shall submit a notification of his/her completion of the requirements of conferred degree and an accounting prepared by the subject institution (e.g., university fee slips, invoices, etc.) of the tuition costs incurred by the employee that are subject to this policy, the cumulative amount of which, or portion thereof, the employee seeks reimbursement. Upon the favorable recommendation of the Human Resource Director, the Assistant Commissioner of the Office of Management and Finance shall review all such documentation and, if he/she affirms the authenticity and relevance thereof, shall copy the pertinent portions thereof for the records of the Department and return the original documents to the employee. Thereafter, the Assistant Commissioner shall present to the Commissioner for his approval an authorization to effect the payment of the amount of the reimbursement subject to the provisions set forth herein.

8. A reimbursement of any tuition costs incurred by the employee shall not be subsidized otherwise in whole or in part by any other source of funding (e.g., scholarship or grant), a student loan from a recognized financial institution excepted. The employee shall certify such on a form and in a manner as set forth by the Commissioner and shall submit any specified, supportive documentation which might be required by said Assistant Commissioner.

9. A reimbursement of tuition costs shall be made only for those courses in which the employee received a grade of 'C' or better, or in the event the grade for a subject course is conferred by either a pass or fail grade, a pass grade shall be required.

10. The employee shall be ineligible to make a claim for reimbursement of tuition costs pursuant to this policy if, during the period of matriculation that is subject to this policy, the employee does not receive a satisfactory or better performance evaluation.

11. Reimbursement of tuition costs may be made also for relevant and applicable courses of study undertaken by the employee at or through one or more consortium or distance learning post secondary institutions that are accredited by an accrediting agency recognized by the U.S. Secretary of Education.

12. The payment to the employee of the amount of a reimbursement made by the Department shall be subject to the applicable provisions of the Internal Revenue Service, including but not limited to the provisions which relate to educational assistance.

18. SAFETY & LOSS PREVENTION POLICY

WRITTEN STATEMENT OF POLICY

TO: All Employees of LDAF

FROM: Commissioner Mike Strain, DVM

DATE: April 16, 2008

The elimination of accidents is a total department responsibility. The safety of every employee is a matter of great concern that demands maximum effort by every member of our management team.

Here, in the Louisiana Department of Agriculture & Forestry, our major goal is to provide a safe and efficient workplace for our employees. Employee safety is vital to our success. We accept the moral and legal responsibility of providing safe and healthy work conditions. Our objective is to implement a comprehensive safety plan that meets all federal, state and local safety codes and establishes and maintains safe and healthy conditions in our offices, facilities and grounds. This objective can be reached if all employees accept personal responsibility for their own safety and well being.

Safe work habits are an essential element of satisfactory job performance. Each employee is responsible to immediately report potentially unsafe conditions and work practices and taking effective temporary actions to minimize the risk to himself and others.

Each individual is responsible for helping us reach our loss prevention goal of preventing personal injury and loss of property because of accidents. Each supervisor will be held accountable for the actions of his employees. He is responsible for ensuring that both he and his employees follow all safety rules, policies and procedures.

It is our intention to provide good supervision, effective training and safe equipment for our employees while on the job. The success of our safety and loss prevention program depends upon the efforts of all employees to minimize and eliminate all potential hazards.

I trust that each of you will join me in pledging your full commitment to making accident prevention a way of life in our daily operations.

SAFETY RULES

The following safety rules must be adhered to by all employees of the Louisiana Department of Agriculture & Forestry:

1. Smoke only in approved areas.
2. Horseplay and fighting will not be tolerated in the work place.
3. Possession of unauthorized firearms, alcoholic beverages, illegal drugs, or unauthorized medically prescribed drugs will not be tolerated in the work place. Inform your immediate supervisor if you are required to take medication during work hours. Written medical evidence stating that the medication will not adversely affect your decision making or physical ability may be required.
4. Before beginning work, notify your supervisor of any permanent or temporary impairment that may reduce your ability to perform in a safe manner.
5. Use personal protective equipment to protect yourself from potential hazards that cannot be eliminated.
6. Operate equipment only if you are trained and authorized.
7. Inspect the work station for potential hazards and ensure that the equipment or vehicle is in safe operating condition before using it.
8. Immediately report any recognized potentially unsafe condition or act to your supervisor.
9. If there is any doubt about the safe work method to be used, consult the supervisor before beginning work.
10. Immediately report accidents, near misses, and property damage to a supervisor regardless of the severity.
11. Supervisors should obtain special safety permits when required. Examples of conditions requiring special safety permits are work with hot objects and work in confined spaces.
12. Follow recommended work procedures outlined for the job including safe work methods described in the job safety analysis.
13. Maintain an orderly environment and work procedure. Store all tools and equipment in a designated place. Put scrap and waste material in a designated refuse container.
14. Report any smoke, fire, or unusual odors to your supervisor.
15. Use proper lifting techniques. For objects exceeding 50 pounds in weight, specific methods for safe lifting must be determined by the immediate supervisor.
16. Never attempt to catch a falling object.
17. If your work creates a potential slip or trip hazard, correct the hazard immediately or use safety tape to tag the area before leaving it unattended.

18. Fasten restraint belts before starting any motor vehicle.
19. Obey all driver safety instructions.
20. Comply with all traffic signs, markers, and persons designated to direct traffic.
21. Know departmental rules regarding first aid, evacuation routes, and fire department notification.
22. Adhere to departmental rules and procedures specific to departmental operations.
23. Assist and cooperate with all safety investigations and inspections and assist in implementing safety procedures as requested.

EMPLOYEES WHO DO NOT COMPLY WITH AGENCY SAFETY RULES
WILL NOT BE CONSIDERED DESIRABLE FOR CONTINUED
EMPLOYMENT WITH THE LOUISIANA DEPARTMENT OF AGRICULTURE
& FORESTRY.

Minimal Employee Responsibilities for the LDAF Safety & Loss Prevention Program

1. Attend mandatory, quarterly safety meetings.
2. Attend mandatory ORM classes every three years or within 90 days of employment for blood borne pathogen, violence in the workplace, substance abuse and driver training.
3. Water vessel operators must be trained in water vessel safety every three years or within 90 days of employment.
4. Operators of vehicles or water vessels who are at fault in an accident are required to participate in driver or water vessel safety training within 90 days of the accident date.

WORK AT HOME POLICY

Permission to work at home is not an employee's right; it should be for a specific period of time and for a specific purpose.

Each request to work at home in lieu of the workplace will be given consideration and approval will be granted or denied based on factors supporting each individual request. The request must be in writing and must state specific reasons for the request and a specific period of time involved in the request.

No employee of the Louisiana Department of Agriculture & Forestry will be allowed to perform work related activities at home in lieu of the workplace without prior, written approval from the Commissioner of Agriculture & Forestry. The Commissioner may grant or deny permission, may place restrictions on the granting of permission and may rescind permission at any time. No employee shall receive any payment or credit for work done at home unless prior, written approval from the Commissioner has been obtained.

The Commissioner of Agriculture & Forestry or his designee may verbally authorize or direct temporary work at home on a temporary day-to-day basis or on nights, weekends or holidays if such work is required by an emergency or extraordinary situation.

Effective date: March 12, 2004

Effective: January 15, 2008

**STATE OF LOUISIANA
DEPARTMENT OF AGRICULTURE AND FORESTRY**

MOTOR VEHICLE ACCIDENT REVIEW BOARD POLICY

I. POLICY

- A. While driving a motor vehicle, whether personal or state owned, an employee, in the course and scope of his or her duties with the Louisiana Department of Agriculture and Forestry, might be involved in a motor vehicle accident. Accidents typically result in injury and/or property damage, both of which impair the efficient operation of the Department. Therefore, the Department is hereby instituting a Motor Vehicle Accident Review Policy (“policy”) to provide for a review of accidents on a timely basis, identify the cause of an accident and initiate action necessary to reduce motor vehicle accidents.
 - 1. For purposes of this policy the word “motor vehicle accident” means one or a series of unplanned event(s) that caused either personal injury, including death, property damage, or both while an employee is driving a motor vehicle in the course and scope of his or her employment with the Department.
 - 2. It is presumed that all Department employees might occasionally drive a motor vehicle in the course and scope of their employment with the Department.
 - 3. All motor vehicle accidents involving employees acting in the course and scope of their employment with the Department shall be reviewed by the Accident Review Board (“Board”).
- B. This policy shall apply to all officers, appointees, and employees of the Department of Agriculture and Forestry.
- C. This policy becomes effective upon the signature of the Commissioner. Subsequent revisions shall become effective on the date the revision is approved and signed by the Commissioner or Deputy Commissioner.

II. ACCIDENT REVIEW BOARD

- A. Shall be comprised of the following Department personnel.
 - 1. Commissioner, or his designee, who shall be the chair of the Board
 - 2. Deputy Commissioner or his designee.
 - 3. Fleet Manager

- B. The Board shall meet monthly or whenever called by said chair.
- C. The Safety Coordinator for the Department shall provide for the administration of this policy.

III. PROCEDURE

- A. All motor vehicle accidents shall be properly reported and documented in accordance with the Department's Loss Prevention Program and Driver Safety Plan prior to presentation to the Board for review.
- B. Each motor vehicle accident shall be presented to the Board by said Coordinator and the employee involved in the accident.
- C. The Board shall hear all presentations it deems necessary and review all documentation relative to the accident. Any employee called before the Board shall cooperate fully with the Board and be forth coming of relevant information.

IV. FINDINGS

- A. All accidents shall be classified into one of three categories:
 - 1. Category One accidents are those accidents in which no action could have been taken by the driver to prevent the accident.
 - 2. Category Two accidents are those accidents in which the driver is determined by the Board to have been partially or completely at fault and could have prevented the accident; and that there was no injury to anyone and/or the total amount of damage for the accident does not exceed \$5,000.
 - 3. Category Three accidents are those accidents in which the driver is determined by the Board to have been partially or completely at fault and could have prevented the accident; and that there was an injury to someone and/or the total amount of damage for the accident equaled or exceeded \$5,000.
- B. Each accident shall be investigated separately based on the facts of this accident. Prior accidents of similar facts should not be considered. Accidents involving the same individual may be considered when determining the proper category.
- C. After the Board reviews the facts and circumstances regarding a motor vehicle accident, the Board shall submit its written findings to the

Commissioner who shall determine if further action is necessary, which might include disciplinary and/or other rehabilitative action.